

REMARKS

In response to the Final Office Action dated August 10, 2009, and having a period for response (including extensions) set to expire on February 10, 2010, Applicant respectfully submits this Response.

Applicant is filing a Notice of Appeal concurrent herewith for this application. Applicant submits that the required appeal fees were originally submitted on November 7, 2005, the date of Applicant's first appeal in this application (from which prosecution was reopened), and that no further appeal fees are required at this time. (see MPEP 1204.01). To the extent required, a Request for Extension of Time is also being submitted herewith.

The claims in this Response have not been amended.

Applicant notes that a Power of Attorney and Correspondence Address Indication Form was filed with the USPTO on June 11, 2009, for this application, but the USPTO records have not yet been updated. Applicant respectfully requests that the records be updated to show the practitioners of Greenberg Traurig LLP, Customer No. 70155, as attorneys of record and correspondence address for the present application.

The Commissioner is authorized to charge any and all fees which may be required, or credit any overpayments, to Greenberg Traurig Deposit Account No. 50-2638 (Order No. 105218.04).

Date: 02/10/10

Respectfully submitted,


Ben D. Tabor, Reg. No. 27,760
Mark G. Chretien, Reg. No. 63,858
GREENBERG TRAURIG LLP
1000 Louisiana Street, Suite 1700
Houston, Texas 77002
Phone: (713) 374-3568
Fax: (713) 754-7568
ATTORNEYS FOR ASSIGNEE
CRYSTAPHASE INTERNATIONAL, INC.